



Virginia  
Regulatory  
Town Hall

## Periodic Review and Retention of Existing Regulations Agency Background Document

<b>Agency Name:</b>	Department of Agriculture and Consumer Services
<b>VAC Chapter Number:</b>	2 VAC 5-10
<b>Regulation Title:</b>	Public Participation Guidelines
<b>Action Title:</b>	Retain
<b>Date:</b>	September 5, 2001

This information is required pursuant to the Administrative Process Act § 9-6.14:25, Executive Order Twenty-Five (98), and Executive Order Fifty-Eight (99) which outline procedures for periodic review of regulations of agencies within the executive branch. Each existing regulation is to be reviewed at least once every three years and measured against the specific public health, safety, and welfare goals assigned by agencies during the promulgation process.

This form should be used where the agency is planning to retain an existing regulation.

### Summary

*Please provide a brief summary of the regulation. There is no need to state each provision; instead give a general description of the regulation and alert the reader to its subject matter and intent.*

This regulation consists of the public participation guidelines required by Virginia's Administrative Process Act of regulation-making agencies when those agencies are engaged in regulation making.

### Basis

*Please identify the state and/or federal source of legal authority for the regulation. The discussion of this authority should include a description of its scope and the extent to which the authority is mandatory or discretionary. Where applicable, explain where the regulation exceeds the minimum requirements of the state and/or federal mandate.*

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Section 9-6.14:7.1 of the Code of Virginia (1950), as amended. The law (at Section 9-6.14:7.1 of the Code of Virginia) requires that public participation guidelines be developed. Specifically, the law provides:

“Public participation guidelines for soliciting the input of interested parties in the formation and development of its regulations shall be developed, adopted and utilized by each agency pursuant to the provisions of this chapter. The guidelines shall set out any methods for the identification and notification of interested parties, and any specific means of seeking input from interested persons or groups which the agency intends to use in addition to the Notice of Intended Regulatory Action. The guidelines shall set out a general policy for the use of standing or ad hoc advisory panels and consultation with groups and individuals registering interest in working with the agency. Such policy shall address the circumstances in which the agency considers such panels or consultation appropriate and intends to make use of such panels or consultation.” (Section 9-6.14:7.1(D) of the Code of Virginia (1950), as amended.)

### Public Comment

*Please summarize all public comment received as the result of the Notice of Periodic Review published in the Virginia Register and provide the agency response. Where applicable, describe critical issues or particular areas of concern in the regulation. Also please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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The agency received no public comment on this regulation as the result of the Notice of Periodic Review published in *The Virginia Register of Regulations* on June 18, 2001, to provide notice of opportunity to comment on this regulation pursuant to Executive Order Number Twenty-five (98). No informal advisory group was formed for the purposes of assisting in the periodic review.

### Effectiveness

*Please provide a description of the specific and measurable goals of the regulation. Detail the effectiveness of the regulation in achieving such goals and the specific reasons the agency has determined that the regulation is essential to protect the health, safety or welfare of citizens. Please assess the regulation's impact on the institution of the family and family stability. In addition, please indicate whether the regulation is clearly written and easily understandable by the individuals and entities affected.*

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The specific and measurable goals of the regulation are as follows:

1. The protection of the public's health, safety, and welfare with the least possible cost and intrusiveness to the citizens and businesses of the Commonwealth.
2. The establishment of guidelines for soliciting the input of interested parties in the formation and development of regulations.

The regulation is effective in achieving these goals—the public has received notice of opportunities to comment on various agency regulations pursuant to the Public Participation Guidelines and has commented on those various agency regulations. The Public Participation Guidelines are essential to protect the health, safety, and welfare of citizens because, without them, other regulations of the agency that protect the health, safety, and welfare of citizens could not have been (and could not be) adopted.

See “family impact statement below” for an assessment of the regulation on the family.

The regulation is clearly written and easily understandable by the individuals and entities affected.

### Alternatives

*Please describe the specific alternatives for achieving the purpose of the existing regulation that have been considered as a part of the periodic review process. This description should include an explanation of why such alternatives were rejected and this regulation reflects the least burdensome alternative available for achieving the purpose of the regulation.*

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One alternative considered was the repeal of the regulation, but this alternative was rejected, because the authority for the regulation is mandatory. This regulation is different from other regulations, however, inasmuch as it imposes a burden not upon citizens, but rather upon the agency. The regulation reflects the least-burdensome alternative available for achieving the purpose of the regulation.

### Recommendation

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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The agency is recommending that the regulation should stay in effect without change.

### Family Impact Statement

*Please provide an analysis of the regulation's impact on the institution of the family and family stability including the extent to which it: 1) strengthens or erodes the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourages or discourages economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthens or erodes the marital commitment; and 4) increases or decreases disposable family income.*

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The regulation should have no adverse impact upon the family, including family-impact matters governed by Executive Order 58(99) and Section 2.1-7.2 of the Code of Virginia.

“publicparticipationreview.doc”